Remarks

Claims 1-6 and 8-23 are pending and at issue in the present application. Applicant traverses the objection to claims 12, 15, 22, and 23 as being dependent upon a rejected base claim. These claims have been rewritten in independent form to secure allowance of such claims.

Applicant respectfully traverses the rejection of claims 1-6, 8-11, 13, 14, and 16-21 as anticipated by or obvious over Hart et al.

Claim 1, and claims 2, 3, and 21 dependent directly or indirectly thereon, as amended, recite an evaporative device including a container for holding a liquid, wherein the container includes an opening. The device further includes a porous wick extending through the opening such that a portion of the wick contacts the liquid held within the container and a portion of the wick is exposed to the ambient environment, wherein the wick transfers the liquid from the container. The evaporative device further includes a capillary member having a surface in communication with a portion of the wick, wherein the surface has one or more nonporous capillary channels that extend radially from the wick along the surface of the capillary member to the periphery thereof.

Claim 4, and claims 5, 6, 8-11, 13, 14, and 16-20 dependent directly or indirectly thereon, as amended, specify an evaporative device comprising a container for holding a liquid, wherein the container includes an opening. The device further includes a porous wick extending through the opening such that a portion of the wick contacts the liquid held within the container and a portion of the wick extends outside of the container such that the wick transfers the liquid from the container. Still further, the device includes a capillary plate having a surface in communication with a portion of the wick, wherein the surface has nonporous capillary channels that extend radially from the wick along the surface of the capillary plate and wherein the capillary channels are substantially continuous along lengths thereof.

None of the prior art discloses an evaporative device including a capillary member or plate having a surface in communication with a portion of the wick, wherein the surface has one or more nonporous capillary channels that extend radially from the wick along the surface of the capillary member or plate, as recited by each of claims 1-6, 8-11, 13, 14, and 16-23.

Further, none of the prior art discloses an evaporative device including a capillary member or plate having a surface in communication with a portion of the wick, wherein the surface has nonporous capillary channels that extend radially from the wick along the surface of the capillary plate, wherein the capillary channels are substantially continuous along lengths thereof, as specified by each of claims 4-6, 8-11, 13, 14, and 16-20.

In contrast, Hart et al. discloses a unit for the transfer of a liquid from a reservoir using capillary action. The transfer unit has an elongated shaft comprising a first capillary medium and a screen that consists of a second, porous capillary medium with a plurality of small openings punched out to allow air to pass through. Specifically, Hart et al. distinguishes between the first and second capillary media by stating, "as [a] first capillary medium in general any material capable of absorbing and transferring a liquid due to capillary action is suited..." (Column 2 lines 4-6), and further stating "as [a] second capillary medium a material with open pores from which liquid evaporates is suited, e.g. material containing natural or synthetic fibers, woven or non-woven fabrics, porous media." (Column 2 lines 10-13). In a particular embodiment disclosed in Fig. 3, the screen has an annular frame covered with a sheet of capillary air permeable material. As seen in Figs. 6a and 6b, the shaft extends through an outlet opening in the reservoir into a receiving passage of the reservoir and transfers liquid from the reservoir via capillary action to the screen from which the liquid is evaporated to the ambient air. The bottom opening of the receiving shaft is closed with a foil seal that can be punctured by the shaft.

The prior art does not disclose each of the elements recited by the claims at issue; therefore, these claims are not anticipated thereby. In addition, because the prior art does not disclose or suggest that it would be possible or even desirable to provide an evaporative device as specified by the claims at issue, these claims are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). From the language quoted above, Hart et al. teaches away from an evaporative device including a capillary member or plate having a surface in communication with a portion of the wick, wherein the surface has one or more nonporous capillary channels that extend radially from the wick along the surface of the capillary member or plate. Therefore, the obviousness rejections should be withdrawn.

The claims have been amended to clarify the subject matter for which protection is sought. No new matter has been added by way of this amendment.

For the foregoing reasons, reconsideration and withdrawal of the rejections of and objections to the claims at issue and allowance thereof are respectfully requested.

Respectfully submitted,

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